IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.176 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mrs. Asha M. Bhambwani, for the Petitioner

CORAM : F.I. REBELLO,J.
DATED : JANUARY 24, 2005

P.C.

. A third party had taken out Motion for interim relief. Those were being heard. The petitioner raised an issue that the suit is barred by limitation and, therefore, that issue should be treated as a preliminary issue. The Court after considering that aspect, namely that the Motion is by third party and considering the fact that the issue of limitation is a mixed question of fact and law proceeded to hear the notice of motion. I do not find that this is a fit case in these circumstances for this Court to exercise its extra ordinary jurisdiction. No interference called for. Petition rejected.

(F.I. REBELLO, J.)